

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 1-11 are pending. The Examiner's objections and rejections are dealt with in the sequence presented in the office action.

In addition to the amendments to claims 1-11, new dependent claims 12-17 have been added.

No amendment or new claim adds new matter.

Para. 1

The claims have been amended to indicate the deletion of the appropriate terms. Withdrawal of the rejection is requested.

Para. 3 to 4.

(a) The claims were rejected as being indefinite due to lack of antecedent bases. Claim 1 has been amended by deleting the entire term encompassed by the last two lines. The deleted terminology comprises functional elements only. Thus, the structure of the claimed chimeric oligonucleotide is not altered.

In place of the deleted terms, the claim now simply recites that the chimeric oligos can inhibit telomerase activity.

Withdrawal of this rejection is requested.

(b) In addition, the claims were alleged to be indefinite because of the loosely defined relationship between the repeating units of formula I, $[]_n$ and the R groups, $[]_{n_1}$.

In response, claim 1 has been amended as follows.

First, the structure has been redrawn so that group R, is no longer within the brackets that are multiplied by n. This is meant to emphasize that the bracketed structures defined by $[]_n$ and $[]_{n_1}$ are independent and distinct chains.

To further emphasize this point, n_1 has been amended to p in the claims in order to erase any notion that n and n_1 are interdependent.

It is believed that this amendment overcomes the rejection. Accordingly, withdrawal of the rejection is requested.

(c) The rejection based on the term "hybridizing" is overcome by deleting the term as explained in paragraph (a) above.

In place of the deleted term is a functional limitation stating that the oligos can inhibit telomerase activity.

Withdrawal of the rejection is requested.

(d) Claims 9-10 have been amended so as to obviate the rejection based on insufficient antecedent basis.

Para. 5-6

Claims 7-8 are rejected because the specification is alleged to not be enabling to the entire extent of the claims' scope.

The claims have been amended to refer back to the oligonucleotide structure described in claim 1.

In addition, claim 8 has been amended to replace the term *treat* with *inhibiting the telomerase activity* of tumor cell *in vivo*.

In sum, Examiner's concerns relating to [a] the structure of the oligos and [b] the preamble reciting 'treatment' have been addressed by amendment.

Withdrawal of the rejection is requested.

Para. 7-8

Claims 1-4 are rejected as being anticipated by Uhlmann et al.

In response, Applicants point out that amended claim 1 overcomes the rejection for the following reasons:

1. Uhlmann does not disclose chimeric oligos having a structure where n is at least 10 [and not more than 20]; and p is at least 3 [and not more than 17].

Therefore, even if Uhlmann discloses an oligos having a length in base pairs corresponding to the overall range of claim 1, it would still have to have the proper combination of n repeats and p repeats.

Such oligos are not disclosed.

2. The oligos in claim 1 are inhibitors of telomerase activity. There is no disclosure of such inhibitory activity in Uhlmann. Therefore, Uhlmann's oligos do not have the same properties.

In sum, the chimeric oligos disclosed by Uhlmann, do not have the same structure, nor are they able to perform the same function as those claimed. Accordingly, Uhlmann fails to teach two important claim features, and thus, cannot reasonably be viewed as anticipatory.

Withdrawal of the anticipation is respectfully requested.

CONCLUSIONS

Applicants believe in good faith that they have addressed all concerns and issues raised by Examiner.

The claims have been amended to remove terminology believed to be indefinite. In addition, claim 1 has been amended to more clearly describe the relationship between repetitive groups of formula I, and the repetitive R groups.

Favorable consideration of the application and allowance of the claims is respectfully requested.

Respectfully Submitted,

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